

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	No. 1:18-cr-220
-v-)	
)	Honorable Paul L. Maloney
JAMES JUNIOR MILLER,)	
Defendant.)	
)	

ORDER DENYING MOTION TO SUPPRESS

This matter is before the Court on Defendant's motion to suppress evidence (ECF No. 80). Because the Court has already denied a previous motion to suppress the relevant evidence and entered an order (ECF No. 53), the Court interprets the present motion as a motion for reconsideration.

A motion for reconsideration may be granted when the moving party demonstrates a "palpable defect" by which the Court and parties have been misled and a showing that a different disposition of the case must result from the correction of the mistake. W.D.Mich LCivR 7.4(a). The decision to grant or deny a motion for reconsideration under this Local Rule is within the district court's discretion. *See Evanston Ins. Co. v. Cogswell Props., LLC*, 683 F.3d 694, 681 (6th Cir. 2012) (citation omitted).

A motion for reconsideration is not an opportunity to present new arguments that could have been presented before the court issued its ruling, but an opportunity for the court to reconsider those arguments already presented. *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998); *see Evanston Ins.*, 683 F.3d at 692

(reviewing the district court's application of the palpable defect standard and upholding the denial of the motion for reconsideration because the arguments advanced in the motion were not raised during the prior proceedings). Neither is a motion for reconsideration a second opportunity for a party to present "new explanations, legal theories, or proofs." *Jinks v. AlliedSignal, Inc.*, 250 F.3d 381, 385 (6th Cir. 2001).

Defendant argues that his new motion presents issues that have not yet been decided. However, upon review of this motion and the Court's ruling on the previous motion, the Court finds no error requiring reconsideration. The two issues Defendant raises here, the legality and circumstances of the traffic stop and the sufficiency of the search warrant affidavit, were argued at length at the March 7, 2019 hearing on Defendant's previous motion to suppress, and the Court explicitly ruled on both issues. Defendant raises no new issues which require a different result nor has he established the existence of any error requiring a change in the Court's opinion.

Accordingly, Defendant's Motion for Reconsideration (ECF No. 80) is **DENIED**.

IT IS SO ORDERED.

Date: September 18, 2019

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge